REMARKS

Claims 1, 5 and 12 are currently pending in the application. Claim 1 has been allowed. Claim 12 was withdrawn from consideration and has hereby been reinstated in an amended form. No new matter has been added. The Examiner has rejected claim 5. In light of the following remarks, Applicant respectfully submits that all pending claims are patentably distinct and in condition for allowance. Reconsideration and allowance of claims 1, 5 and 12 are respectfully requested.

A restriction was made to the claims under 35 U.S.C. § 121, wherein Group I included Claims 1 and 5 and Group II included Claim 12. During a telephone conversation between the Examiner and Brian Michaelis on November 21, 2006, Group I was elected. Affirmation of this election is hereby being made by Applicant.

35 U.S.C. § 102(e)

Claim 5 was rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,065,058 Hailpern et al. (hereinafter referred to as "Hailpern"). Applicant respectfully traverses this rejection.

Claim 5 recites a method of distributing information to a set of servers connected via a communication network. The method includes the steps of obtaining a list of servers, prioritizing the list according to parameters associated with each server, and issuing instructions to each server in the listed order. The instructions include the identification of a source for obtaining the information and an identification of the next server on the list. In addition, the method includes distributing the information according to the instructions and notifying each server when the prioritized list is exhausted. The steps of issuing instructions and distributing the information include obtaining an address of a first server address on the list, sending a notification message with the address of a second server having an information file to distribute and requesting a copy of the information from the second server. The copy of the information is

sent to each server on the list in an order determined according to the order of the list and the transmission time in the network.

Hailpern teaches a push-based filtering of objects in a client-server hierarchy based on usage information. The method includes objects that can be staged at the server to provide fast access when the filtered object is later requested. An object may include a content hierarchy such as a title, a summary and the full content. The filtering process can factor in which next level nodes will receive the push and also the content level each node will receive.

The Examiner referenced portions of Hailpern and incorrectly asserted, among other things, that Hailpern essentially discloses applicants' invention.

Contrary to the Examiner's suggestions, the first referenced portion of Hailpern merely teaches that an object is either pushed down to the lower level or it will try to obtain the object from its next higher level proxy, as in column 5, lines 35-44. Hailpern fails to teach, suggest or disclose obtaining a list of servers desiring to participate in a distribution, as particularly claimed in Claim 5.

The second referenced portion of Hailpern further teaches that the server passes information on the object and its staging decision along with the object to the next level and two different categories used, the usage category and the preference category. The usage category conveys the frequency of the object being referenced and the preference category conveys the profile information, as taught in col. 5, lines 52-57 and col. 7, lines 26-36. Hailpern fails to teach, suggest or disclose prioritizing the list according to parameters associated with each server, as particularly claimed in Claim 5.

The third referenced portion of Hailpern teaches a staging label used to communicate and share information as the object passes through the hierarchy. The staging value of an object is denoted by a binary value. In addition, the proxy checks if the request received from the lower level contains a user label, as taught in col. 7, lines 36-60 and col. 9, lines 1-21. Hailpern fails to

teach, suggest or disclose issuing instructions to each server in the listed order, including the identification of a source for obtaining information, as particularly claimed in Claim 5.

The fourth referenced portion of Hailpern merely teaches that if a whole object is pushed down to the next level, then the push object filtering routine is invoked. And, if only a summary information is pushed down from the higher level, the push summary filtering routine is invoked to determine whether to push the summary to a lower level, as taught in col. 9, lines 22-40. Hailpern fails to teach, suggest or disclose distributing the information according to the instructions, as particularly claimed in Claim 5.

The fifth referenced portion of Hailpern teaches setting a staging value of an object and denoting it by "CV". A binary value representation is used to determine the CV value. The value is determined by including for an n-th level proxy, the CV value includes n bits and the k-th bit has a value of one if the (n-k) level proxy has staged the object when it passes the object down the hierarchy, as taught in col. 7, lines 48-60. Nowhere in Hailpern does it teach, suggest or disclose notifying each server when the prioritized list is exhausted, as particularly claimed in Claim 5.

Another referenced portion of Hailpern teaches the overall architecture of the hierarchy of the proxy servers. They are connected through a hierarchy of proxy servers to the Internet, and the servers pass information on the push object and its staging decision along with the object, as taught in col. 5, lines 8-27 and 45-57. Nowhere in Hailpern does it teach, suggest or disclose obtaining an address of a first server address on said list, or sending a notification message containing the address of a second server, or requesting a copy of the information from the second server, as particularly claimed in Claim 5.

Therefore, for the aforementioned reasons, Claim 5 is patentable over Hailpern. Applicant respectfully requests that this rejection be withdrawn.

Applicants have amended claim 12 herewith to present it as a further limitation of claim 5. Accordingly, for at least the foregoing reasons claim 12 as dependent from claim 5 is patentable over the prior art.

Double Patenting

Claims 1 and 5 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 3 of U.S. Patent No. 6,748,447. Applicant have hereby attached a terminal disclaimer and therefore request that this rejection be withdrawn.

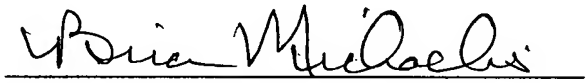
CONCLUSION

In view of the remarks set forth above, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested.

Authorization is hereby given to charge deposit account 50-0369 in connection with any fees or extension of time or any other fee that may be necessary to permit entry of this response.

Dated: 3-29-07

Respectfully submitted,



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